



General Assembly

January Session, 2003

***Raised Bill No. 1118***

LCO No. 4155

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING PHYSICIAN REPORTING OF GIFTS FROM  
PHARMACEUTICAL MANUFACTURING COMPANIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) As used in this  
2 section:

3 (1) "Clinical trial" means a clinical trial approved by an institutional  
4 review board conducted in connection with a research study designed  
5 to answer specific questions about vaccines, new therapies or new  
6 ways of using known treatments.

7 (2) "Commissioner" means the Commissioner of Public Health.

8 (3) "Department" means the Department of Public Health.

9 (4) "Detailing" means a meeting between a pharmaceutical marketer  
10 and a health care provider.

11 (5) "Pharmaceutical manufacturing company" means any entity that  
12 is engaged in the production, preparation, propagation, compounding,  
13 conversion or processing of prescription drugs, either directly or

14 indirectly by extraction from substances of natural origin, or  
15 independently by means of chemical synthesis, or by a combination of  
16 extraction and chemical synthesis, or any entity engaged in the  
17 packaging, repackaging, labeling, relabeling or distribution of  
18 prescription drugs, but does not include a wholesale drug distributor  
19 or pharmacist licensed under chapter 400j of the general statutes.

20 (6) "Pharmaceutical marketer" means a person who, while employed  
21 by or under contract to represent a pharmaceutical manufacturing  
22 company, engages in pharmaceutical detailing, promotional activities  
23 or other marketing of prescription drugs in this state to any health care  
24 provider. "Pharmaceutical marketer" does not include a wholesale  
25 drug distributor or the distributor's representative who promotes or  
26 otherwise markets the services of the wholesale drug distributor in  
27 connection with a prescription drug.

28 (7) "Promotion" includes, but is not limited to, free samples, media  
29 events, gifts, trips, educational conferences or meals.

30 (b) Not later than January 1, 2003, and every six months thereafter,  
31 every physician licensed under chapter 370 of the general statutes,  
32 chiropractor licensed under chapter 372 of the general statutes,  
33 natureopathic physician licensed under chapter 373 of the general  
34 statutes and dentist licensed under chapter 379 of the general statutes,  
35 shall file a report with the department, signed under penalty of false  
36 statement, disclosing the value, nature and purpose of any gift, fee,  
37 payment, subsidy or other economic benefit provided during the  
38 previous six months in connection with detailing, promotions or other  
39 marketing activities by a pharmaceutical manufacturing company,  
40 directly or through its pharmaceutical marketers. The report shall be  
41 made on a form prescribed by the commissioner.

42 (c) The following shall be exempt from disclosure pursuant to  
43 subsection (b) of this section:

44 (1) Any gift, fee, payment, subsidy or other economic benefit worth

45 less than five dollars;

46 (2) Free samples of prescription drugs intended to be distributed to  
47 patients; and

48 (3) The payment of reasonable compensation and reimbursement of  
49 expenses in connection with bona fide clinical trials, provided the  
50 report shall include a description of the clinical trial, the amount of  
51 compensation paid by the pharmaceutical manufacturing company or  
52 pharmaceutical marketer for such clinical trial, and such other  
53 information as the department may require.

54 (d) (1) Acting upon the complaint of any person regarding an  
55 alleged violation of this section, or upon information available to the  
56 department, the commissioner shall conduct a hearing on such  
57 complaint, in accordance with the provisions of chapter 54 of the  
58 general statutes, governing contested cases. Not later than fifteen days  
59 after the public hearing conducted in accordance with this subsection,  
60 the commissioner shall publish the finding and a memorandum of the  
61 reasons therefor. Such finding and memorandum shall be deemed to  
62 be the final decision of the commissioner on the matter for the  
63 purposes of chapter 54 of the general statutes. The respondent, if  
64 aggrieved by the finding and memorandum, may appeal therefrom to  
65 the Superior Court in accordance with the provisions of section 4-175  
66 or 4-183 of the general statutes.

67 (e) Any person who intentionally violates any provision of this  
68 section shall be imprisoned for a term not to exceed one year or shall  
69 be fined an amount not to exceed two thousand dollars, or both.

This act shall take effect as follows:	
Section 1	October 1, 2003

***Statement of Purpose:***

To require doctors to disclose gifts, fees, payments, subsidies or other economic benefits received from pharmaceutical companies.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*